

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

JESSE JAMES

CIVIL ACTION NO. 5:16-cv-00448

v.

JUDGE HICKS

**MRC RECEIVABLES CORP., MIDLAND
FUNDING, LLC, PERFORMANCEONE
FINANCIAL, INC. F/K/A ENCORE CAPITAL
GROUP, INC. D/B/A MIDLAND CREDIT
MANAGEMENT, INC., MIDLAND CREDIT
MANAGEMENT, INC., EQUABLE ASCENT
FINANCIAL, LLC and CAVALARY
PORTFOLIO SERVICES, LLC**

MAGISTRATE JUDGE HORNSBY

**ORDER GRANTING MOTION TO CONSOLIDATE AND
DENYING PLAINTIFF'S MOTION TO REMAND**

THIS CAUSE came before the Court on the Agreed Motion to Consolidate filed by all parties seeking to consolidate the above-numbered and styled cause with Civil Action No. 5:16-cv-00681-SMH-KLH and dispose of Plaintiff's Motion to Remand. After due consideration of the record, agreement of the parties and being fully advised in the premises, the Court finds that the Motion is well taken and should be granted. It is, therefore,

ORDERED AND ADJUDGED that the Agreed Motion to Consolidate be, and is hereby, GRANTED. It is further,

ORDERED AND ADJUDGED that *Jesse James v. MRC Receivables Corp., et al.*, Civil Action No. 5:16-cv-00681-SMH-KLH, be consolidated into the first-filed matter, *Jesse James v. MRC Receivables Corp., et al.*, Civil Action No. 5:16-cv-00448-SMH-MLH. It is further,

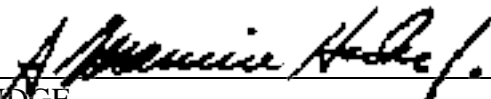
ORDERED AND ADJUGED that all future correspondence and pleadings shall be filed under the first-filed, instant matter styled *Jesse James v. MRC Receivables Corp, et al.*, Civil Action No. 5:16-cv-00448-SMH-MLH. It is further,

ORDERED AND ADJUDGED, that Plaintiff has waived his right to object to the Report and Recommendation of the Magistrate Judge (Dkt. 30) concerning Plaintiff's Motion to Remand (Dkt. 11). Accordingly, this Court adopts the Report and Recommendation of the Magistrate Judge without objection. It is further,

ORDERED AND ADJUDGED, that Plaintiff's Motion to Remand (Dkt. 11) be, and is hereby, DENIED, and Plaintiff has waived his right to appeal this Order. It is further,

ORDERED AND ADJUDGED, that the second, identical Motion to Dismiss filed by the Midland Defendants in Civil Action No. 5:16-cv-00681-SMH-KLH (Dkts. 14 and 14-1) is withdrawn by the request of the parties as the Motion to Dismiss has been already been briefed and is pending in Civil Action No. 5:16-cv-00448-SMH-MLH (Dkts. 8, 8-1, 18 and 24).

SO ORDERED this 6th day of July, 2016.



JUDGE